

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

Debra L. Torres,

Plaintiff,

v.

Case No. 14-CIV-483-RAW

Robert McDonald, Secretary, Department
of Veteran Affairs,

Defendant.

OPINION AND ORDER

This case was filed on November 6, 2014 [Docket No. 2] alleging employment discrimination. On March 30, 2015, Plaintiff was ordered to show cause as to why this case should not be dismissed for failure to prosecute [Docket No. 7]. On April 15, 2015, Plaintiff filed a Motion for Extension of Time to perfect service, indicating she never received the forms previously mailed to her [Docket No. 8]. On April 16, 2015, this court entered a second order directing Plaintiff to perfect service on Defendant within thirty days [Docket No. 9]. Both orders indicated that failure to respond or to perfect service could result in the case being dismissed pursuant to Federal Rules of Civil Procedure and Local Civil Rules.

As stated in the two previous orders, Rule 4 of the Federal Rules of Civil Procedure provides that a case may be dismissed if service has not been made within 120 days of the filing of a complaint. The record still fails to reflect that service is perfected.

See Rule 4(i). Additionally, the record does not reflect any further attempts to effect service of process. While failure to accomplish one of these items individually would not be reasonable grounds for dismissal of this matter, this court believes that failure to obey the court's repeated orders regarding service of process is sufficient grounds for dismissal for Plaintiff's failure to prosecute.

Pursuant to Rule 41(b) and *Olsen v. Mapes*, 333 F.3d 1199, n.3 (10th Cir. 2003), a court has the authority to dismiss a case *sua sponte*. Therefore, for the above mentioned deficiencies, this case is DISMISSED without prejudice.

Dated this 28th day of September, 2015.

A handwritten signature in cursive script, reading "Ronald A. White".

HONORABLE RONALD A. WHITE
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF OKLAHOMA